

Dated: August 29, 2007

**Signature:**

(Kevin M. Kocun)

Docket No.: SPINE 3.0-395 CONT  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Markworth et al.

Application No.: 10/655,440

Group Art Unit: 3733

Filed: September 4, 2003

Examiner: M. C. Hoffman

For: SYSTEM FOR USE IN SPINAL  
STABILIZATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT

Dear Sir:

It is respectfully requested that the reference(s) listed on the enclosed form be made of record and considered with respect to the above-referenced U.S. patent application. A copy of each reference which is not a U.S. patent or patent application is enclosed. Submission of the present Information Disclosure Statement should not be taken as an admission that the cited references are legally available prior art or that the same are pertinent or material.

Application No.: 10/655,440

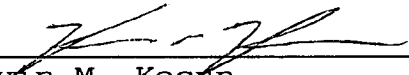
Docket No.: SPINE 3.0-395 CONT

In the event that any fee is due in connection with the present Information Disclosure Statement, the Commissioner is hereby authorized to charge the same to our Deposit Account No. 12-1095.

Dated: August 29, 2007

Respectfully submitted,

By

  
Kevin M. Kocun

Registration No.: 54,230

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

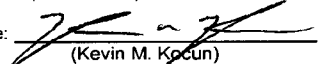
(908) 654-5000

Attorney for Applicants

LD-458\

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 29, 2007

Signature: 

(Kevin M. Kocun)

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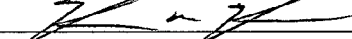
**REQUEST FOR CONSIDERATION OF INFORMATION UNDER 37 CFR § 1.97 (C)**

Dear Sir:

It is respectfully requested that the references cited in the enclosed form be considered pursuant to 37 C.F.R. § 1.97(c). Please charge deposit account No. 12-1095 in the amount of \$180.00 pursuant to 37 C.F.R. § 1.17(p). In the event that any additional fee is due in connection with the present request, the same should be charged to our deposit account No. 12-1095.

Dated: August 29, 2007

Respectfully submitted,

By   
Kevin M. Kocun  
Registration No.: 54,230  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicants

LD-453\

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.H./



Used in Lieu of PTO/SB/08A/B  
(Based on PTO 04-07 version)

<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/655,440-Conf. #6452
				Filing Date	September 4, 2003
				First Named Inventor	Aaron Markworth
				Art Unit	3733
				Examiner Name	M. C. Hoffman
Sheet	1	of	2	Attorney Docket Number	SPINE 3.0-395 CONT

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA*	US-4,347,845	09-07-1982	Mayfield	
	AB*	US-4,841,960	06-27-1989	Garner	
	AC*	US-4,898,161	02-06-1990	Grunde et al.	
	AD*	US-5,268,001	12-07-1993	Nicholson et al.	
	AE*	US-5,370,646	12-06-1994	Reese et al.	
	AF*	US-5,466,243	11-14-1995	Schmieding et al.	
	AG*	US-5,520,689	05-28-1996	Schlapfer et al.	
	AH*	US-5,591,167	01-07-1997	Laurain et al.	
	AI*	US-5,683,401	11-04-1997	Schmieding et al.	
	AJ*	US-5,741,254	04-21-1998	Henry et al.	
	AK*	US-5,743,911	04-28-1998	Cotrel et al.	
	AL*	US-5,749,899	05-12-1998	Bardin et al.	
	AM*	US-5,797,913	08-25-1998	Dambreville et al.	
	AN*	US-5,810,878	09-22-1998	Burel et al.	
	AO*	US-5,870,878	02-16-1999	Swingle	
	AP*	US-5,910,191	06-08-1999	Okamoto et al.	
	AQ*	US-5,928,244	07-27-1999	Tovey et al.	
	AR*	US-5,947,970	09-07-1999	Schmelzeisen et al.	
	AS*	US-5,954,722-A	09-21-1999	Bono	
	AT*	US-6,007,538	12-28-1999	Levin	
	AU*	US-6,010,513	01-04-2000	Tormala et al.	
	AV*	US-6,074,395	06-13-2000	Trott et al.	
	AW*	US-6,086,608	07-11-2000	Ek et al.	
	AX*	US-6,132,435	10-17-2000	Young	
	AY*	US-6,171,310	01-09-2001	Giordano et al.	
	AZ*	US-6,790,209	09-14-2004	Beale et al.	
	AA1*	US-20030009168	01-09-2003	Beale et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	BA	EP-737449	10-16-1996	Biomat		
	BB	DE-4238339	05-19-1994	Brehm Peter		
	BC	WO 03/003928	01-16-2003	Sdgi Holdings Inc		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* CITE NO.: Those application(s) which are marked with an asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
Examiner Signature			Date Considered

798599

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.H./

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
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Sheet	2	of	2	Attorney Docket Number	SPINE 3.0-395 CONT

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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	/Mary Hoffman/	Date Considered	05/26/2008
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